REMARKS

Applicant respectfully requests reconsideration of this application. Claims 24-47 are pending. Claims 24, 27, 43, and 46 have been amended. No claims have been cancelled or added. Therefore, claims 24-47 are now presented for examination.

35 U.S.C. §112 Rejection

The Examiner has rejected claims 24-29 and 43-47 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

It is respectfully submitted that the rejection is improper. Under the law, it is clearly not required that a claim contain the precise wording of the written description. There is no *in haec verba* requirement. Rather, added claim limitations must be supported in the specification through express, implicit, or inherent disclosure. (See MPEP §2163 (I) (B))

However, in interest proceeding forward, claims 24 and 43 have been amended to refer to "a number" of requests pending, rather than "an amount" of requests. With regard to the amended claims, Applicant submits that, among other provisions, the claim element is supported by the provision indicating that "arbiter 12 may determine that the number of requests pending is below a certain number, warranting that it relinquish its current ownership of the bus to the remote agent." (Description, p. 7, line 26 through p. 8, line 1) Other examples may be provided to support the claims.

The Applicant reserves the right to pursue the claims in their prior form in another application as such claims are also clearly supported by the Description.

35 U.S.C. §103 Rejection,

Thompson, LaViolette, Metz, and AAPA

The Examiner has rejected claims 24-28 and 43-47 under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent No. 5,392,404 of Thompson (hereinafter "Thompson"), U.S. Patent No. 4,602,327 of LaViolette, et al. (hereinafter "LaViolette"),U.S. Patent No. 5,448,701 of Metz, Jr., et al. (hereinafter "Metz") and subject matter the Examiner has alleged to be the "Applicant's admitted prior art" (hereinafter "AAPA").

The Applicant hereby submits that prior arguments provided in the previous Office Action response remain relevant and thus hereby resubmits such arguments.

It is submitted that the rejection of the claims attempts to use numerous unrelated references that are not connected by proper motivation to reach the elements of the claims. Further, the references, no matter how they are connected, still do not contain all of the elements of the claims.

Claim 24, as amended herein, reads as follows:

24. A method comprising:
   transferring read data from a first agent, the first agent being coupled to a half-duplex bus;
   issuing a preempt signal from a second agent, the second agent being coupled to the half-duplex bus;
   determining whether to allow preemption of the read data based at least in part on a number of read requests that are pending for the first agent; and
   if preemption is allowed:

determining a suitable point to preempt the read data transfer;

temporarily halting the read data transfer,

transferring a read data request from the second agent to the first agent, and

resuming the read data transfer.

Therefore, the claim refers to a certain type of system involving the transfer of read data and read requests between a first agent and a second agent coupled to a half-duplex bus. The claim provides certain processes for this operation, including issuing a preempt signal from the second agent, determining whether to allow preemption of the read data based at least in part on a number of read requests that are pending for the first agent, and, if preemption is allowed, determining a suitable point to preempt the read data transfer; temporarily halting the read data transfer, transferring a read data request from the second agent to the first agent, and resuming the read data transfer.

For the rejection of the claims, the Office Action cites to:

Thompson – A patent for bus control preemption logic for a single bus computer, with the system including devices able to communicate with each other over a system bus that comprises a local processor and an input output bus. (Thompson, col. 2, lines 5-9)

LaViolette – A patent for a circuit for forcing a bus master to relinquish control of a communication bus and for allowing the bus master to retry the interrupted sequence at a later time. (LaViolette, col. 1, lines 50-54)

Metz – A patent for a shared bus flow controller for selecting a specific resource that can access a shared bus. (Metz, col. 1, lines 46-50) The reference refers to transmission of information regarding the state of input and output buffers.

AAPA – In the Background of the present application, the Applicant has discussed conventional operations of half-duplex bus.

The reference appears to show no motivation that would properly support the combination of these references, which clearly address varying types of problems. One of the basic criteria to establish a case of obviousness is that there must be some suggestion or motivation, either in the references of in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Further, it is not sufficient to point to an attractive result as motivation. The teaching or suggestion to make a claimed combination must be found in the prior art, not in the applicant's disclosure. (See *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); MPEP §2143) This has not and cannot be done with the cited references, which deal with different kinds of problems. Therefore, in addition the differences that have previously been provided and additional differences, there simply is no motivation for the combination of references.

The Office contains a "response to arguments", but the meaning of this response is difficult to interpret. The response indicates that the Official Notice is relevant to the last element of the claim, which is "resuming the read data transfer". The Office Action indicates that "[t]he time that a system chooses to resume the previous transaction is the claimed determining a suitable point. The claim 24 merely states determining the suitable point, it does not provide any distinct means to determine the suitable point." However, the claim refers to determining a suitable point for *preemption*, not *resumption* of data transfer. If the Official Notice is intended to address the resumption, this is irrelevant to the determination of the suitable point for *preemption*. Further, it is noted

that dependent claim 28 does in fact identify a process for the determination of the suitable point for preemption.

The discussion in the response regarding LaViolette is also confusing. To clarify, the comments made in the prior response were as follows:

> "Second, LaViolette does not support the Official Action. LaViolette concerns operations for sharing a bus. For example, the reference discusses provision of a circuit for forcing a bus master to relinquish control of a communication bus and allowing the bus master to retry the interrupted operation at a later time. (LaViolette, col. 1, lines 50-54) LaViolette can only be said to indicate that resumption of the types of processes that are discussed in the reference are known. The reference contains no teaching regarding the resumption of computer processes in general. LaViolette does not and cannot support the Official Notice that resumption of computer processes is known."

The point of this is that LaViolette does not support the notion that the resumption of *all* types of computer processes would be known. LaViolette discusses the resumption of a particular type of particular in a different context. This does not mean that the resumption of *every* computer process in *every* context is therefore known. This is impossible and would be an absurdity under the law. Therefore, as stated in the previous action, if the Official Action is intended to indicate that all types of computer process resumptions are known and thus that this element cannot be novel, then the Official Notice is inappropriate. The Applicant again objects to the Official Notice.

For at least the above reasons and the reasons submitted in the prior responses, claim 24 is not taught or suggested by the combination of Thompson, LaViolette, Metz, and subject matter the Examiner has referred to as the "Applicant's admitted prior art". It is submitted that the above arguments are also applicable to the elements of independent

claim 43. The remaining rejected claims are dependent claims and are allowable as being dependent on the allowable base claims.

35 U.S.C. §103 Rejection,

Thompson, in view of LaViolette, and in further view of Metz

The Examiner has rejected claims 30-42 under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of LaViolette and AAPA,

The Applicant hereby submits that prior arguments provided in the previous Office Action response remain relevant and thus hereby resubmits such arguments. The Applicant also submits that that arguments provided above are also relevant here. In particular, it is again asserted that no motivation has been shown or exists to combine the references cited here.

It is further noted that, while the claims are allegedly rejected on the basis of Thompson, LaViolette, and AAPA, the text of the Office Action indicates that certain of the claims are rejected on the basis of the Metz reference.

For at least the above reasons, claims 30-42 are not taught or suggested by Thompson in view of LaViolette and AAPA (and possibly further in view of Metz).

35 U.S.C. §103 Rejection,

Thompson, in view of LaViolette and Metz, and in further view of Leger

The Examiner has rejected claim 29 under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of LaViolette and Metz, and in further view of U.S. Patent No. 5,771,356 of Leger et al. ("Leger") and subject matter the Examiner has referred to as the "Applicant's admitted prior art".

The Applicant hereby submits that prior arguments provided in the previous Office Action response remain relevant and thus hereby resubmits such arguments. The Applicant also submits that that arguments provided above are also relevant here. In particular, it is again asserted that no motivation has been shown or exists to combine the references cited here.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary.
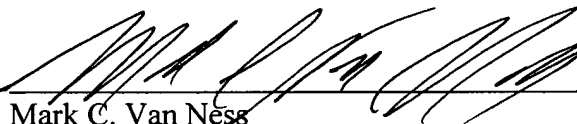
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 11/5/04

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